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2 could read, "The board members next renewed
3 their discussion," do you see that?

4 A. Yes, I do.

5 Q. Does that paragraph relate to what
6 we were just discussing, the selection of an
7 independent third party to review the debtors
8 processes in the Chapter 11 organization
9 proceeding?

10 A. Yes.

11 Q. And the last sentence of that
12 paragraph says, "The independent members of
13 the Board decided to hold a telephone
14 conference call amongst themselves to discuss
15 potential third-party candidates and the
16 selection process."

17 A. Yes.

18 Q. Is that what you were referring to
19 a moment ago when you said Mr. Crowley
20 wouldn't have a role with respect to the
21 selection or production of the independent
22 advisor or his role or the -- or putting
23 together a new plan?

24 A. Well, this is the first step. This
25 is that he would have no role in the

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selection of the independent party. The idea was that in addition to having no role in the selection, he'd also have no role in the plan process going forward.

Q. And to your knowledge, did he have a role in the selection of the independent restructuring advisor?

A. I don't believe he did.

Q. And to your knowledge, did he have a role in the restructuring advisor's preparation of his report?

A. Well, he certainly was interviewed by the restructuring advisor.

Q. Beyond being interviewed by the restructuring advisor.

A. I don't believe he had any role.

Q. Is it your understanding that he had any role in the preparation of the second plan, beyond being interviewed by the restructuring advisor?

A. I don't believe he had a role in the operative terms of the plan. I don't know if he commented on it or not, but I don't believe he had any role in the

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2 operative terms.

3 Q. Did you have any discussions, again
4 now in this December 2000, January 2000 [sic]
5 time frame with Mr. Crowley regarding this
6 topic? That is the retention of an
7 independent restructuring advisor.

8 MR. BRESSLER: I'll object to the
9 form. I assume you mean January 2001.

10 MR. SLAUGHTER: Yes, I apologize.
11 Thank you.

12 A. I'm sure I did.

13 Q. Do you recall them?

14 A. I only recall just conceptual
15 discussions. I don't recall specific back
16 and forth.

17 Q. Conceptually what do you recall?

18 A. Conceptually I believe I discussed
19 with him the fact that based upon the judge's
20 ruling, it was essential that he excise
21 himself from -- from everything relating to
22 Coram other than the operation of the
23 business, that he had -- that he needed to be
24 disassociated from the reorganization plan
25 going forward, and in particular, anything to

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2 do with treatment of creditors or
3 shareholders.

4 Q. Did you have a discussion with him
5 about Cerberus at the time?

6 A. Not that I recall.

7 Q. You knew that he was continuing to
8 work for Cerberus with respect to non-Coram
9 matters though; correct?

0 A. I don't know for sure. I don't
1 know.

2 Q. Okay. Why would you set up a
3 procedure in which he's not involved in the
4 preparation of the second plan, if he
5 wasn't -- wasn't continuing to have a
6 consulting arrangement or relationship with
7 Cerberus going forward?

8 A. I think -- I think his historical
9 relationship with Cerberus was something the
0 court found to be meaningful, and in
1 particular because of the manner in which it
2 came to light, and my concern was not what he
3 did at Cerberus. My certain was what he did
4 at Coram. And I thought it was important
5 that at Coram he not have any further role in

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2 the development or prosecution of a plan.

3 Q. Did you ever tell Mr. Crowley that
4 he should resign completely from Cerberus in
5 the December 2000, January 2001 time frame?

6 A. I don't think I ever told him he
7 had to resign.

8 Q. Are you aware of anything that
9 would have prevented the Coram board from
10 terminating Mr. Crowley in December 2000
11 after the first plan was denied?

12 A. I'm not familiar with what his
13 contractual arrangements were on that issue.
14 At least I'm not now.

15 Q. Okay. But beyond any specific
16 contractual arrangements, are you aware of
17 anything that would have prevented the Coram
18 board from saying, "You're fired"?

19 A. No.

20 Q. Are you aware of anything that
21 would have prevented the Coram board from
22 saying, "stay on but make sure that you don't
23 do anything further with Cerberus"?

24 A. In other words, could the board
25 have conditioned his continuing retention at

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2 Coram on his no longer working for Cerberus?

3 Q. Yes.

4 A. I'm sure they could have made --
5 made that demand.

6 Q. Do you know if they did?

7 A. I don't know.

8 Q. By this time, and by this time
9 again I mean Judge Walrath has denied the
10 first plan, Mr. Crowley's relationship with
11 Cerberus is an obviously a well-known fact;
12 correct?

13 A. Yes.

14 Q. So who was hired as the independent
15 restructuring advisor?

16 A. Harrison J. Golden.

17 Q. Who, if you recall, came up with
18 the idea of hiring Mr. Golden?

19 A. I don't -- I don't remember. I
20 also don't know that -- I believe that others
21 were considered as well, but I don't recall
22 how he was considered in the first instance
23 or who considered hiring him.

24 Q. Had you worked with Goldin on any
25 matters before Coram?

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appointment of Goldin in the debtors' cases.
No members of the debtors' management were
present at such a meeting."

Is that trying to impart the
information that the -- that the special
committee, without the input of Mr. Crowley,
was the entity that was retaining Mr. Goldin
seeking his appointment?

A. I think that's true.

Q. And it was your view at the time
that if the court approved the retention of
an independent restructuring advisor such as
Mr. Goldin, and the Goldin report -- and
Goldin produced a report that found that
the -- that a plan or a plan should be
confirmed, and that this plan obviously, as
we've discussed, was not -- was prepared
without the input of Mr. Crowley, that that
would be sufficient to overcome the judge's
concerns with respect to Mr. Crowley's
involvement and get a plan confirmed for
Coram?

MR. BRESSLER: I'll object to the
form.

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2 THE WITNESS: Could you read back
3 that question.

4 MR. SLAUGHTER: It wasn't the most
5 artfully stated, but please read it
6 back.

7 (A portion of the record was read.)

8 MR. NOVICK: Also object to the
9 form.

10 A.. If I can just answer it this way
11 and maybe this will suffice: We had, we were
12 confronted with what in my experience was a
13 unique dilemma. We had a CEO who by all
14 accounts was doing an excellent job running
15 the company, and so there was no one talking
16 about firing Crowley.

17 At the same time this CEO who was
18 doing such a good job running the company was
19 no longer with a mandate to lead the company
20 in its reorganization process, because of the
21 findings made by the bankruptcy court. And
22 so what we hoped to accomplish was to retain
23 the benefits of Crowley as the operator,
24 while at the same time lose the taint of
25 Crowley as a plan sponsor and negotiator, and

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2 Goldin would take over that role, and based
3 upon his recommendations, we would then file
4 a new plan that no longer had any input from
5 Crowley.

6 Q. And this process that you just
7 described in your previous answer was a
8 process that you recommended that the special
9 committee adopt in response to Judge
10 Walrath's order?

11 A. I would say I endorsed it. I don't
12 recall whether -- recommendation implies, at
13 least in my mind, some initiative that I may
14 or may not have taken, but I certainly
15 endorsed it.

16 Q. Well, it wasn't -- it wasn't a plan
17 that was developed by Mr. Crowley, was it?

18 A. Are you talking about the retention
19 of an independent restructuring advisor?

20 Q. Yes, this idea that -- the response
21 to Judge Walrath's order and how you were
22 going to go about getting a second plan
23 approved.

24 A. It was not something that
25 Mr. Crowley sponsored, no. It was something

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2 attend, but beyond that, I don't recall
3 specific meetings.

4 MR. SLAUGHTER: Let's go off the
5 record to change the tape.

6 THE VIDEOGRAPHER: This marks the
7 end of videotape number 3, volume I, in
8 the deposition of David Friedman. Going
9 off record. The time is 11:44 a.m.

10 (A brief recess was taken.)

11 THE VIDEOGRAPHER: This marks the
12 beginning of tape number 4, volume I, in
13 the deposition of David Friedman. The
14 time is 11:53 a.m.

15 Please continue.

16 Q. Mr. Goldin was labeled as the,
17 quote, independent, close quote,
18 restructuring advisor. In your experience in
19 the process, did he -- was he in fact an
20 independent restructuring advisor? Did he
21 act independently?

22 A. Yes, absolutely.

23 Q. Was one -- do you recall whether or
24 not when he distributed his draft plan,
25 whether he, having been hired by the special

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2 committee, gave the special committee a first
3 look at it or whether he distributed it to
4 all interested parties at the same time?

5 MR. NOVICK: Object to the form.

6 A. My recollection is that he
7 distributed it to everybody at the same time.

8 Q. And was it your recollection that
9 Mr. Crowley did not participate in the
10 special committee's deliberations about how
11 to respond, if at all, to the draft report?

12 A. That's correct.

13 Q. Do you recall meeting with the
14 special committee to discuss the draft Goldin
15 report?

16 A. I would think I did, but I don't
17 recall.

18 Q. Do you recall whether or not the
19 special committee, whether you and -- strike
20 that.

21 Let's start with a good question.

22 Do you recall whether the special
23 committee had any comments on the draft
24 Goldin report?

25 A. No.

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2 Q. Do you recall whether you had any
3 comments on the -- you or your firm had any
4 comments on the draft Goldin report?

5 A. No.

6 Q. Do you recall whether the special
7 committee adopted the recommendations of the
8 Goldin report?

9 A. I believe it did.

10 MR. SLAUGHTER: I direct your
11 attention again, counsel, in the board
12 minutes pile that you have in front of
13 you to the July 12, 2001 board minutes.

14 Exhibit 11.

15 MR. NOVICK: July 12th.

16 MR. SLAUGHTER: July 12, 2001.

17 (Exhibit Friedman-11, Draft Minutes
18 of a Meeting of the Board of Directors
19 of Coram Healthcare Corporation,
20 July 12, 2001, marked for
21 identification, this date.)

22 Q. Exhibit 11 says, "Minutes of the
23 Meeting of the Board of Directors of Coram
24 Healthcare Corporation, July 12, 2001." It's
25 labeled "Draft" on it, but I will represent

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2 to you that this was produced to us recently
3 by the trustee and is the only copy we have,
4 so I don't know if there was a further
5 version.

6 And it indicates here that you were
7 present at that meeting, Mr. Friedman?

8 A. Yes.

9 Q. And just leafing through it, it
10 appears to be that the principal discussion
11 at that meeting was the Goldin Associates
12 report?

13 A. Yes.

14 Q. On page 1, in that -- under the
15 Goldin Associates heading, there's a
16 paragraph that says, "Mr. Friedman advised on
17 the exclusivity period within which the
18 Company and Coram, Inc., collectively the
19 debtors, could file an amended plan of
20 reorganization with the bankruptcy court.
21 Mr. Friedman discussed and advised on the
22 duties of the directors stating that he was
23 seeking input from the independent board
24 meetings as the special committee."

25 Do you see that?

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2 A. Yes.

3 Q. Do you recall that discussion?

4 A. I don't recall the specifics of the
5 discussion, but I do recall that it took
6 place.

7 Q. Do you recall if not the specifics,
8 the general substance?

9 A. I think so, yes.

10 Q. What do you recall about the
11 general substance of that discussion?

12 A. I think the general substance of
13 the discussion was that the independent
14 directors should -- needed to take direction,
15 needed to -- not take direction -- needed to
16 provide direction with respect to what the
17 company should be doing going forward with
18 respect to a plan, that they had the work
19 product of Goldin Associates before them, and
20 that based upon that and without including
21 Crowley in the discussion, they should
22 determine where the company goes in terms of
23 its ongoing reorganization efforts.

24 Q. I think you put in right there one
25 of my follow-up questions was going to be:

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2 Was -- when you are talking about the
3 independent board members of the special
4 committee, those are the board members
5 excluding Mr. Crowley?

6 A. Correct.

7 Q. Do you recall getting direction
8 from the special committee in response to
9 that request?

10 A. I recall receiving direction to
11 proceed with a plan that embodied the
12 recommendations of Goldin.

13 Q. Is that what you did?

14 A. Yes.

15 Q. One of the recommendations the
16 Goldin report made was that Mr. Crowley's
17 bonus compensation be reduced. Do you recall
18 that?

19 A. Yes.

20 Q. Do you recall what Mr. Crowley's
21 opinion was in that regard?

22 A. I think that Mr. Crowley was
23 invited to respond to the board about that
24 recommendation, and I believe his response
25 was that he didn't think it was appropriate,

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2 position now to -- to comment on the
3 existence or quality of evidence.

4 Q. Was it -- you say that you were a
5 scribe or a conduit to the special committee
6 in this instance, do you recall if you made
7 recommendations to the special committee
8 about corrections they may want to suggest to
9 Goldin Associates with respect to the draft
10 report?

11 A. I don't recall -- I don't recall
12 having a particular interest in these
13 comments. I think these are comments that,
14 you know, generally are of a business nature,
15 and I don't know that I have much of a role,
16 but again, I really don't recall.

17 Q. I think you testified that in
18 response to the direction from the special
19 committee, you prepared a second plan and
20 disclosure statement?

21 A. Yes.

22 Q. And that that second plan and
23 disclosure statement largely adopted the
24 recommendations of the Goldin report?

25 A. Yes.

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regard was based on your knowledge of the facts as you knew them at the time?

A. Yeah, it was based -- it was based almost entirely on my understanding that it was, as I understood it, it was a fair process by which the company was sold, this entity was sold, and it was sold at arm's length.

Q. Were you aware that the, at the time or were you aware at any time, either this time, the time of your interview -- strike that.

Were you aware at any time that the sale of CPS was begun prior to Mr. Crowley's tenure as the CEO?

A. I think I knew it at the time, because I think we made a point of that in court.

Q. Were you aware at the time that the sale of CPS was approved by the full Coram board?

A. I think I was aware of that, yes.

Q. The next bullet point says, "paydown of debt -- no damages." Do you know

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what that refers to?

A. I recall vaguely that prior to the bankruptcy Coram had paid down either, certainly they had paid down some principle and I believe they paid down some interest on the debt owed to Cerberus, Goldman and Foothill.

Q. Okay.

A. And I didn't think that that caused the company any damages, because the only damages that it could have caused would have been relating to liquidity, and I didn't think the company, as I understood it, had any liquidity issues. In fact this is one of the few companies that I've been involved with that did not require debtor-in-possession financing during the course of the bankruptcy.

Q. Indicating that it had sufficient cash flows to cover its operations?

A. Correct.

Q. Next bullet point says, "There was never any suggestion at any board meeting," paren, including privileged D, apostrophe,

C E R T I F I C A T E

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

I, JENNIFER OCAMPO-GUZMAN, a
Shorthand Reporter and Notary Public within
and for the State of New York, do hereby
certify:

That DAVID M. FRIEDMAN, the witness
whose deposition is hereinbefore set forth,
was solemnly, sincerely affirmed and that
such deposition is a true record of the
testimony of such witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of March 2007.

J. Ocampo-Guzman

JENNIFER OCAMPO-GUZMAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Certified Copy

ARLIN M. ADAMS, Chapter 11)
Trustee of the Post-Confirmation)
Bankruptcy of Estates of Coram)
Healthcare, and of CORAM, INC.,)
a Delaware corporation,)
Plaintiff,)
vs.) Case No. 04-1565
DANIEL D. CROWLEY; DONALD J.)
AMARAL; WILLIAM J. CASEY; L.)
PETER SMITH; and SANDRA L. SMOLEY,) Volume I
Defendants.)

The videotaped deposition of RICHARD F. LEVY,
called by the defendants for examination, taken
pursuant to notice, agreement and under the Rules of
Civil Procedure for the United States District Courts
pertaining to the taking of depositions, taken before
Richard H. Dagdigian, CSR No.084-000035, a notary
public within and for the County of Cook, State of
Illinois, and a Certified Shorthand Reporter of said

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1 point.

2 Q Had you represented Mr. Zell as -- or any
3 entity in which he had an economic interest prior to
4 the summer of 2000?

5 A I don't believe so.

6 Q Had you -- withdrawn.

7 Have you ever represented the economic
8 interests of either Mr. Weinstein or Mr. Zell in
9 bankruptcy litigation other than Coram?

10 A Who is the "you" in your question. If it
11 includes Jenner & Block, my answer is I just don't
12 know.

13 So help me with the question.

14 Q Well, let's start with you, Richard Levy.

15 A Okay.

16 Q Have you ever represented the interests of
17 either Mr. Zell or Mr. Weinstein in bankruptcy
18 litigation other than Coram?

19 A You know, I'm going to say I don't think
20 so. I certainly can't recall one.

21 I've represented a lot of people over 52
22 years, and it's possible that my answer is wrong.

23 Q I would like to direct your attention to
24 the year 2000. Did there come a time that you heard

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1 of a company called Coram Healthcare?

2 A Yes.

3 Q When was it that you first heard of a
4 company called Coram Healthcare?

5 A I'm going to say sometime in the late
6 spring.

7 Q How did you first come to hear of Coram
8 Healthcare?

9 A Will Weinstein called me.

10 Q What did you say to him and what did he say
11 to you?

12 A Well --

13 MR. TOMASHEFSKY: I'm going to caution you,
14 Mr. Levy, not to reveal anything that would be
15 covered by the attorney-client privilege.

16 A He said have you ever heard of a company
17 called Coram. I said no.

18 BY MR. PETERS:

19 Q What else did he say?

20 MR. TOMASHEFSKY: Same caution.

21 A I need to consult my attorney on this
22 issue, not on factual issues, but on the privilege
23 issue.

24 MR. PETERS: I won't try to stop you, and I

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1 about Coram?

2 A I just can't approximate it. Sam Zell and
3 I talk a lot about a lot of things, many of them
4 having nothing to do with the practice of law.

5 Certainly not nearly as often as I spoke to
6 Will or any member of the Equity Committee, or Mr.
7 Bressler, for that matter, about the Coram matter.

8 Q At the time that you had your conversation
9 in July of 2000 with Mr. Zell which related to Coram,
10 did you understand that he had an economic interest
11 in Coram?

12 A Yes. An economic interest, yes.

13 Q Showing you what's been marked as Levy
14 Exhibit 3, which is a letter dated June 1st of 2000
15 from you to Dan Crowley, do you recognize that?

16 (Levy Deposition Exhibit
17 No. 3 was marked as
18 requested.)

19 A I certainly recognize my signature.

20 BY MR. PETERS:

21 Q Do you recognize that to be a letter from
22 you to Dan Crowley dated June 1st, 2000?

23 MR. TOMASHEFSKY: give me a moment to read it,
24 please.

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1 A Yes.

2 BY MR. PETERS:

3 Q At the time you wrote this, had you ever
4 met Richard Haydon?

5 A I don't believe so, though I can't be
6 certain.

7 Q At the time you spoke -- at the time you
8 wrote this letter, had you ever spoken to Richard
9 Haydon?

10 A Yes.

11 Q When was the first time you spoke to
12 Richard Haydon?

13 A Sometime between my initial conversation
14 with Weinstein and the date of this letter. And I
15 can't do better than that.

16 Q Okay. Had you ever spoken to Richard
17 Haydon prior -- before your second conversation with
18 Will Weinstein?

19 A I don't know.

20 Q Was there a reason that you wrote this
21 letter on behalf of Mr. Haydon rather than Mr.
22 Weinstein?

23 A I don't know.

24 Q Was Mr. Weinstein also your client at the

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1 the SEC web site of a Rule 13-D filing denominated as
2 Amendment Number One.

3 The cover page is dated July 25th, 2000,
4 but the signature page appears to be dated two days
5 later.

6 Q Okay. Do you recognize Levy 7 as a Form
7 13-D that you caused to be filed with the SEC on or
8 about July 27th of 2000?

9 A Yes --

10 MR. TOMASHEFSKY: I object to the form of the
11 question.

12 A Yes.

13 BY MR. PETERS:

14 Q And I represent to you that I -- withdrawn.

15 Is this the second 13-D that you filed in
16 connection with Coram?

17 A I can only say I suppose so because it's
18 called Amendment Number One. But I have no
19 independent recollection.

20 Q I'm going to represent to you that there
21 was an original 13-D filing on July 17th of 2000, and
22 then a subsequent amended filing on July 27th of
23 2000. And this is the amended filing from July 27th.

24 A Okay.

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1 Q I didn't want to mark both of them because
2 I didn't feel it was necessary.

3 Is that agreeable to you, sir?

4 A I will accept your representation.

5 Q Okay. As of July 27th of 2000, were you
6 representing the list of persons and entities on page
7 one which appear alongside the words "Group Members"?

8 MR. TOMASHEFSKY: You mean on the very first
9 page?

10 MR. PETERS: Right.

11 A Okay. The very first page is -- what is
12 it? It's a -- an SEC form, and my answer is yes.

13 BY MR. PETERS:

14 Q How did you come to represent all of the
15 persons and entities listed here in connection with
16 Coram as of July of 2000?

17 MR. TOMASHEFSKY: I object to the form of the
18 question.

19 A At some point, I was advised that there
20 were a number of people who were owners of the common
21 equity of Coram Healthcare, Inc. who wished to be
22 represented for the reasons that I think are set
23 forth in some detail in this form.

24 I was aware that the securities law

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1 requires when people owning -- and I think this is
2 right -- more than five percent of the outstanding
3 securities joined together for a common purpose, it's
4 necessary in effect to give public notice of that by
5 filing a 13-D and amending it from time to time to
6 reflect any changes in either purpose or membership.

7 And that's how I came to represent these
8 people -- how Altheimer and I came to represent these
9 people.

10 Q Were several of the entities that were --
11 and persons that were a member of this group
12 associated with Will Weinstein?

13 A I don't know what "associated" means.

14 Q Was Will Weinstein a member of the group?

15 A Yes.

16 Q Was the Will Weinstein Revocable Trust a
17 member of the group?

18 A Well, everybody on the list on page one was
19 a member of the group.

20 Q Okay. Was Samstock LLC an entity in which
21 Sam Zell and his family members had an economic
22 interest?

23 A So I understand.

24 Q Did you so understand at the time?

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1 A I don't recall. Probably.

2 Q Is the Ann Lurie and Robert Lurie Family
3 Foundation an entity that you understood at the time
4 was -- has assets were managed in part by Will
5 Weinstein?

6 A I don't know what "managed" means and, no,
7 I -- the answer is, using your word, no.

8 Q Did you understand that Mr. Weinstein in
9 2000 had any advising role with respect to the assets
10 of the Robert and Ann Lurie Family Foundation?

11 A I think he did.

12 Q Did you understand in 2000 that Michiko
13 Baldridge was an assistant to Will Weinstein in his
14 office?

15 A Yes. Yes.

16 Q Did you understand in 2000 that Bernard
17 Osher and the Osher Trust were clients of Mr.
18 Weinstein?

19 A I don't presently recall. I wouldn't doubt
20 it.

21 Q Is it a fair statement that Mr. Weinstein
22 put together this group?

23 A It's a fair statement that Mr. Weinstein
24 referred everyone on this group to me or to someone

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1 else at Altheimer & Gray for the purposes of
2 complying with the securities law, yes.

3 Q Was Mr. Weinstein paying you to do this, or
4 was someone else paying you to do this?

5 A I can give you a recollection that I think
6 is correct, and that is that nobody was paying me at
7 the time.

8 But I think -- and I'm not certain -- that
9 after Altheimer & Gray and I were appointed by the
10 Bankruptcy Court as counsel to the Equity Committee,
11 that we were permitted to file a fee application
12 which retrospectively included work that had been
13 done pre filing, and I think that that's how we were
14 paid.

15 And I've said, I think, in recollection,
16 because I am not positive that that's the case. It
17 was, as I pointed out, seven years ago, and that's my
18 recollection.

19 Q Well, at the time you filed this 13-D, did
20 you contemplate subsequently seeking the payment of
21 your fees from the Coram bankruptcy estate?

22 A I don't know. Probably not. I didn't know
23 that there was going to be a bankruptcy.

24 As a matter of fact, I very much didn't

1 MR. TOMASHEFSKY: You can answer that
2 yes or no.

3 A Not that I recall.

4 BY MR. PETERS:

5 Q Did you ever have any such discussions
6 with Don Liebentritt?

7 MR. TOMASHEFSKY: Again, I caution you to
8 answer that question yes or no if you have a
9 recollection.

10 A I have no recollection.

11 BY MR. PETERS:

12 Q As of August 9th of 2000, you were aware,
13 were you not, that if the Coram bankruptcy plan that
14 had been proposed was confirmed, Coram stock would be
15 worth nothing?

16 A Well, as they say, asked and answered.
17 Yes.

18 Q Were you also aware that the only way a
19 person could hope to make money purchasing Coram
20 stock on August 9th of 2000 was if the bankruptcy
21 plan were defeated?

22 MR. BRESSLER: I object to the form. You can
23 answer.

24 A I hate to say only, but that's probably --

1 if the opposite of defeated is -- if it was -- sure,
2 yes, I was aware.

3 BY MR. PETERS:

4 Q And it was your job on August 9th of 2000
5 to defeat the Coram bankruptcy --

6 A That is wrong -- that is wrong and it's
7 offensive.

8 My job was to inquire and see what the
9 facts were and what the laws were as a fiduciary
10 appointed ultimately by the Court for the benefit of
11 the shareholders.

12 Q Did you understand that Samstock's
13 purchases of stock in August of 2000 was a bet on the
14 ability of -- on your ability to defeat the Coram
15 bankruptcy?

16 MR. TOMASHEFSKY: I object to the form of
17 the question.

18 A My answer is no.

19 BY MR. PETERS:

20 Q Did you ever give any members of the 13-D
21 Group instructions to stop buying Coram stock?

22 MR. TOMASHEFSKY: Again, I think I have to
23 instruct you to answer -- not to answer that on the
24 grounds of privilege if it's an instruction you gave